

### **Remark**

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 1-46 are present for examination.

### **Allowable Subject Matter**

Applicant notes the allowance of 1-24 and thanks the Examiner for his careful review of the application. These claims remain in the application.

### **35 U.S.C. §103 Rejection**

#### ***Autry in view of Stork***

The Examiner has rejected claims 24, and 29-40 under 35 U.S.C. § 103 (a) as being unpatentable over Autry, U.S. Patent No. 5,724,106 ("Autry") in view of Stork, U.S. Patent No. 6,104,380 ("Stork"). The Examiner suggests that Stork shows a cursor control device having a sensor unit that generates an active signal to display a pointer on a display device of the entertainment system independent of the selection of any position direction, any command, and any option. The Examiner refers to Column 5, lines 40-45 and lines 64-67 and Column 6, lines 13-30.

Column 5, lines 40-45, cited by the Examiner, describe Figure 2 as showing position sensors 210 and an optical sensor 220 that generate inputs that are multiplexed for transmission. The Examiner has drawn particular attention to the position sensors 210, however, the position sensors are used to transmit position direction information. "Wireless cursor control sensor 114 receives data from sensors that sense the position of wireless cursor control devices to control one or more corresponding cursors shown on screen 100..." (Col. 5, lines 4-7) See also Column 6,

lines 13-21 explaining that the sensors are used to obtain "accurate cursor control." See also Column 6, lines 33-38 "to move the cursors displayed by display device 10 associated with each cursor control device in response to movements of the wireless cursor control devices."

Column 6, lines 64-67, also cited by the Examiner, refer to an optical sensor 220 that determines the distance from the cursor control device to the screen. The determination of this distance "allows accurate determination of the intersection between the screen and the 'line of pointing' of the cursor control device. Thus accurate cursor control may be obtained through use of a cursor control device that is not physically connected to the display device or the hardware that provides network access." (Col. 6, lines 18-21) In other words, the optical sensor is a part of the information that allows the position sensors to be used. The optical sensor data allows the processor 350 to scale the position sensor data based on the distance to the screen. When the cursor control device is closer to the screen, the cursor control device must be moved more to move the cursor the same amount. It simulates the effect of a laser pointer being used to point to items on a screen.

As is clear from the reference, the position sensors communicate position direction data for screen display. It is similar to mouse movement on a PC. The optical sensor data is a part of the cursor movement information from the position sensors and is used to scale the position sensor data. By contrast, the sensor unit of Claim 24 generates an active signal to display a pointer on a display device. Applicants are unable to find any mention in Stork of controlling the displaying of the pointer on the display device.

In addition, the position sensor and the optical sensor generate data that is used to control cursor movement. By contrast, the sensor unit of Claim 24 generates a signal independent of the

selection of any position direction. Accordingly Claim 24 and Claims 25-33 which depend therefrom are believed to be allowable over the cited combination.

As to Claim 34, the Examiner cites the same passages of Stork against the sensor unit of Claim 34. As mentioned above, the position sensor and optical sensor generate position signals indicating where a pointer is to be directed. These sensors in Stork are not independent of such a selection unit. Accordingly, Claims 34-46 are also believed to be allowable over the references.

### **35 U.S.C. §103 Rejection**

#### ***Autry and Stork further in view of Persidsky and Duncan***

The Examiner has rejected claims 25-28 and 41-44 under 35 U.S.C. §103 (a) as being unpatentable over Autry, and Stork, further in view of Persidsky, U.S. Patent No. 6,130,666 ("Persidsky") or Duncan, U.S. Patent No. 5,847,695 ("Duncan"). Neither reference overcomes the shortcomings of Stork and Autry mentioned above. Accordingly these claims are believed to be allowable over the cited combinations. Applicants do not concede the relevance or the suggested teachings of Persidsky and Duncan but simply do not comment in the interests of simplicity and conciseness.

### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

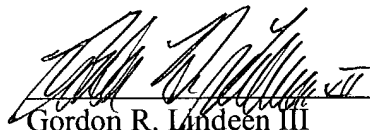
### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/5/14

  
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